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UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/436,870	11/09/1999	SHIGERU YOSHINO	450100-02164	7248

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FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

EXAMINER
ONUAKU, CHRISTOPHER O

ART UNIT	PAPER NUMBER
2616	

DATE MAILED: 02/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/436,870	YOSHINO ET AL.
	Examiner	Art Unit
	Christopher O. Onuaku	2616

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>02 November 2004 and 23 June 2004</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/2/04

has been entered.

Response to Arguments

2.   Applicant's arguments with respect to claims 1-20 have been considered but are

moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1-18&20 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Morioka et al (US 6,324,334) in view of Pont et al (US 6,014,170).

Regarding claim 1, Morioka et al discloses an apparatus for recording and

reproducing data representing video, data representing sound, and other auxiliary data

onto/from a disk medium, a tape medium, or a recording/reproducing apparatus which

can effectively perform an editing operation and establish a network connected with an

external system, comprising:

a) a recording medium (see Fig.1, and data recording HDD 8) which can be

accessed at random and plurality input/output processing means (see Fig.1, SCSI-I/F 7,

DVC MOVIE camera 11 including DVC CODEC 10 and DVC/PCI I/F 6 and PCI bus 5)

for processing input data including video and/or audio data and outputting and recording

them in the recording medium and for processing and outputting data reproduced from

the reproducing medium (see col.6, line 63 to col.7, line 60);

b) interface means for receiving bit map data externally supplied from a network

or memory card separate from the recording medium on which the input data is

recorded (see Fig.1, SCSI-I/F 7 and DVC/PCI I/F 6; SVGA-I/F 9; auxiliary/text data

which is mixed-in with the video and sound signals to make up the hybrid data signal;

col.7, lines 41 to col.8, line 44), here examiner reads bitmap as text data.

Morioka et al fail to explicitly disclose whereby the data recorder-reproducer

includes an integral mixer operable to superimpose the bit-map data on data to be

recorded by the recorder-reproducer such that the data to be recorded is recorded with

the superimposed data, and/or to superimpose the bit-map data on data that is

reproduced by the recorder-reproducer.

Pont et al teach an information processing apparatus that connectable to other

electronics units so as to form a system to apply specified processing to main image

data, sub-image data, and audio data input from the electronic units, and an information

processing method therefor, wherein a personal computer (PC) 1 of Fig.1&2, which

functions as the information processing apparatus, is connected to a plurality of

peripheral units (electronic units), including an electronic camera 5 of Fig.1&3.

Here examiner reads the PC as a recording/reproducing means, because a PC is

well known to record data and reproduce data.

Pont et al further teach wherein a bit-map is text data such as characters which is

stored in the VRAM 23 of the PC of Fig.2 (see col.3, lines 45-49), and wherein a sub-

image data includes a memo written for the main image so as to form a mutual

relationship among data (see col.4, lines 1-6 and col.4, lines 37-45). It can be seen from

the discussions above that the bit-map data and sub-image data are text data.

Pont teaches, in one embodiment, a procedure executed in the personal

computer, wherein the personal computer sends specified commands to the electronic

camera 5 to request a transfer of main image data and sub-image data, respectively.

And, wherein when the personal computer 1 receives the sub-image data sent from the

electronic camera 5, PC 1 applies expansion processing, superimposes the processed

sub-image data obtained in expansion processing on the main image data, and writes

the main data superimposed with bit-map into the specified area of the VRAM 23 (see

col.9, lines 23-29).

Pont fail to explicitly disclose a mixer, but a mixing means is inherent in the Pont

et al system in order to efficiently perform the mixing of the main image data with the

sub-image data by superimposing the sub-image data on the main image data.

It, therefore, would have been obvious to modify Morioka by realizing Morioka

with a mixing means to perform the function of superimposing text data (bit-map/sub-

image data) on a main data, for example, wherein the main data with the text data is

recorded in a recording medium, as taught by Pont et al.

Regarding claim 2, Morioka discloses wherein the bit map is input to the interface

means through an Ether-network (see col.18, lines 1-7).

Regarding claim 3, Morioka discloses wherein the bit map data is recorded in a

detachable memory card and the bit map data recorded in the memory card is received

by inserting the memory card into the interface means (see cassette of the Digital Video

cassette of the DVC camera 11 which is detachable memory means; col.7, lines 1-60).

Regarding claim 4, Morioka et al discloses an apparatus for recording and

reproducing data representing video, data representing sound, and other auxiliary data

onto/from a disk medium, a tape medium, or a recording/reproducing apparatus which

can effectively perform an editing operation and establish a network connected with an

external system, comprising:

a) a recording medium (see Fig.1, and data recording HDD 8) which can be

accessed at random and plurality input/output processing means (see Fig.1, SCSI-I/F 7,

DVC MOVIE camera 11 including DVC CODEC 10 and DVC/PCI I/F 6 and PCI bus 5)

for processing input data including video and/or audio data and outputting and recording

them in the recording medium and for processing and outputting data reproduced from

the reproducing medium (see col.6, line 63 to col.7, line 6).

b) a rewritable storage means for storing a first control program which is used for

processing by at least one of the plural input/output processing means (see Fig.1&4;

col.7, line 61 to col.8, line 5; col.10, lines 12-57 and also col.15, lines 40-50), here HDD

8 is the rewritable storage means, and the data processed by the system is stored in the

HDD 8 including the control data, or displayed on the NTSC monitor 12 or SVGA

monitor 13;

c) interface means for receiving an externally supplied second control program

which is used for processing by the at least one of the plural input/output processing

means (see Fig.4, keyboard 18, wherein the reproducing speed can be dynamically

controlled (changed) in real time by utilizing the keyboard 18; col.10, lines 53-57);

d) rewriting means for rewriting the first control program stored in the storage

means into the second control program received by the interface means (see Fig.4,

HDD 8 and keyboard 18; col.10, lines 53-57), here when the reproduction speed is

changed, the new reproduction speed (second control program) replaces the former

reproduction speed (first control program);

    e) whereby the data recorder-reproducer includes an integral mixer operable to

superimpose the bit-map data on data to be recorded by the recorder-reproducer such

that the data to be recorded is recorded with the superimposed data, and/or to

superimpose the bit-map data on data that is reproduced by the recorder-reproducer.

dedicated input processor and a plurality of dedicated output processors (see claim 1

discussions).

    Regarding claim 5, Morioka discloses wherein the first control program data is

input to the interface means through an Ethernet-network (see col 18, lines 1-7).

    Regarding claim 6, Morioka discloses wherein the second control program data

is recorded in a detachable memory card separate from the recording medium on which

the input data is recorded and the second control program data recorded in the memory

card is received by inserting the memory card into the interface means (see the

cassette of the DVC camera 11 which is detachable memory means; col.10, lines 12-

57), here the fundamental system configuration in Fig.4 example is the same as that of

the Fig.1 example..

    Regarding claim 7, Morioka et al discloses an apparatus for recording and

reproducing data representing video, data representing sound, and other auxiliary data

onto/from a disk medium, a tape medium, or a recording/reproducing apparatus which can effectively perform an editing operation and establish a network connected with an external system, comprising:

a) a recording medium (see Fig.1, and data recording HDD 8) which can be accessed at random at allotted time slots and plurality input/output processing means (see Fig.1, SCSI-I/F 7, DVC MOVIE camera 11 including DVC CODEC 10 and DVC/PCI I/F 6 and PCI bus 5) for processing input data including video and/or audio data and outputting and recording them in the recording medium and for processing and outputting data reproduced from the reproducing medium (see col.6, line 63 to col.7, line 6);

b) interface means for receiving externally supplied setting data which is used to set at least one of the plural input/out processing means (see Fig.4; I/F 19 and DVC/PCI I/F 6; auxiliary/text data which is mixed-in with the video and sound signals to make up the hybrid data signal; col.10, lines 12-57), here the reproduction speed can be set and reset utilizing the keyboard 18, and the resetting data reads as bit map data, since when the speed is controlled, the application software is applied;

c) setting changing means for changing settings corresponding to the at least one input/output processing means based on the setting data received by the interface means (see Fig.4, keyboard 18; col.10, lines 53-57);

d) whereby the data recorder-reproducer includes an integral mixer operable to superimpose the bit-map data on data to be recorded by the recorder-reproducer such

that the data to be recorded is recorded with the superimposed data, and/or to

superimpose the bit-map data on data that is reproduced by the recorder-reproducer.

dedicated input processor and a plurality of dedicated output processors (see claim 1

discussions).

Regarding claim 8, the claimed limitations of claim 8 are accommodated in the

discussions of claim 5 above.

Regarding claim 9, Morioka discloses wherein the setting data is recorded in a

detachable memory card separate from the recording medium on which the input data is

recorded and the setting data recorded in the memory card is received by inserting the

memory card into the interface means (see cassette of the Digital Video cassette of the

DVC camera 11 which is detachable memory means; col.7, lines 1-60).

Regarding claim 10, the claimed limitations of claim 10 are accommodated in the

discussions of claim 1 above.

Regarding claim 11, the claimed limitations of claim 11 are accommodated in the

discussions of claim 5 above.

Regarding claim 12, the claimed limitations of claim 12 are accommodated in the

discussions of claim 3 above.

Regarding claim 13, the claimed limitations of claim 13 are accommodated in the discussions of claim 4 above, including processing the data which is input/out to/from the input/out processing means based on the second control program.

Regarding claim 14, the claimed limitations of claim 14 are accommodated in the discussions of claim 5 above.

Regarding claim 15, the claimed limitations of claim 15 are accommodated in the discussions of claim 6 above.

Regarding claim 16, the claimed limitations of claim 16 are accommodated in the discussions of claim 7 above.

Regarding claim 17, the claimed limitations of claim 17 are accommodated in the discussions of claim 5 above.

Regarding claim 18, the claimed limitations of claim 18 are accommodated in the discussions of claim 9 above.

Regarding claim 20, Morioka discloses wherein the setting data is used to set a

first one of the input/output processing means to a second one of the input/out

processing means, as discussed in claim 4 above.

5.   Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morioka

et al in view of Pont et al and further on view of Bertram (US 6,011,546).

Regarding claim 19, Morioka and Pont et al fail to explicitly disclose wherein the

rewritable storage means is a rewritable flash ROM. Bertram teaches a programming

structure for user interfaces, and programs stored in memory devices associated with

microcontrollers controlling a display to a user which are constructed in a language

which uses layered statements, and a unique connecting character. Bertram further

teaches that control programs will be stored in the system RAM or a flash ROM (see

col.37, lines 7-22). It would have been obvious to further modify Morioka by adding a

flash ROM to Morioka in order to have an alternative storage means for storing control

programs, for example.

Conclusion

6.   Any inquiry concerning this communication or earlier communications from this

examiner should be directed to Christopher Onuaku whose telephone number is (703)

308-7555. The examiner can normally be reached on Tuesday to Thursday from 7:30

am to 5:00 pm. The examiner can also be reached on alternate Monday.

If attempts to reach the examiner by telephone is unsuccessful, the examiner's

supervisor, Andrew Faile, can be reached on (703) 305-4380.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications intended for entry)

and (for informal or draft communications, please label "PROPOSED" or

"DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,

Arlington. VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should

be directed to Customer Service whose telephone number is (703) 306-0377.

COO

2/10/05

ROBERT CHEVALIER
PRIMARY EXAMINER